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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,137	12/09/2003	Daniel Gelbart	91496MGB	3211

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EXAMINER

FERGUSON, MARISSA L.

ART UNIT PAPER NUMBER

2854

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,137

Applicant(s)

GELBART ET AL.

Examiner

Marissa L. Ferguson-Samreth

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-19 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbart et al. (US Patent 5,996,499) in view of Okamura et al. (EP 0,985,528).

Regarding claims 1, 4 and 7, Gelbart et al. teaches a method and apparatus for exposing processless plates in a computer-to-plate platesetter (Column 1, Lines 33-36) and exposing the plate to imaging radiation (Column 6, Claim 1, Lines 6-17). However, he does not explicitly disclose the system without developing a plate and bending a plate with a sharp bend along one edge of a plate.

Okamura et al. teaches a bending blade (50) that bends a plate at a sharp angle along an edge of the plate (Page 6, Column 9, Paragraph 0063). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Gelbart et al. to include a plate with a sharp bend as taught by Okamura et al., since Okamura et al. provides a sharp bend in order to efficiently and easily load plates.

Regarding claim 2, Gelbart et al. teaches a method and apparatus wherein said computer-to-plate plate setter uses a thermal process (Column 2, Lines 62-66).

Regarding claims 3 and 8, 9 and 11, Gelbart et al. teaches the invention and method claimed with the exception of automatically punching the plate inside the computer-to-plate plate setter, forming one or more openings in the first processless plate while the first plate is in the computer-to-plate setter and punching the holes prior to bending and exposing the plate. Okamura et al. teaches a method comprising the additional step of automatically punching (element 7) the plate inside the computer-to-plate plate setter (Column 3, Lines 55-58) and forming holes (Abstract, element 7, Column 8, Paragraph 0052). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Gelbart et al. to include a step of automatically punching a plate as taught by Okamura et al., since Okamura et al. teaches that it is advantageous to make holes in the plates in order to properly position the plates inside and outside the developer unit.

Regarding claims 12-14, Gelbart et al. teaches the invention claimed with the exception of optically registering the plates prior to bending using a video camera and/or a laser. Okamura et al. teaches optically registering (3 and Column 6, Paragraph 0040) the plate prior to bending the plate, using a video camera (24) and/or using a laser (23). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Gelbart et al. to include a step of optically registering plates as taught by Okamura et al., since Okamura et al. teaches

Art Unit: 2854

that it is advantageous to improve the system by drawing desired images directly on the printing plates.

2. Claims 5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbart et al. (US Patent 5,996,499) in view of Nakayama et al. (EPO 0950925) and Miller et al. (US Patent 3,677,059).

Regarding claim 5, Gelbart et al. teaches the claimed method with the exception of positioning a plate bender system adjacent to an imaging system receiving imaged plates, punching the holes prior to exposing the holes and forming a sharp bend along an edge of the plate. Nakayama et al. teaches an apparatus with a cylinder that holds and bends a plate (22) and uses an imaging device (26 and Figure 3) wherein the system also punches holes (Step 102 in figure 4) before proceeding to the exposure unit. Nakayama et al. does not explicitly disclose a sharp bend along one edge of a plate. Miller et al. teaches a plate bender that bends a plate at a sharp angle along an edge of the plate (Figures 5a-5c). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Gelbart et al. to include a bending system adjacent a imaging system and a punching step before exposing as taught by Nakayama et al., since Nakayama et al. teaches to locate the bender next to an imaging device in order to provide a clear and concise image on the plate and teaches punching before bending in order to secure and ensure proper placement and/or loading of the plates in the clamping step.

Art Unit: 2854

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Gelbart et al. to include a plate with a sharp bend as taught by Miller et al., since Miller et al. provides a sharp bend in order to properly register the printing image and prevent blurring of the image.

Regarding claim 6, Gelbart et al. teaches a method and apparatus wherein said computer-to-plate plate setter uses a thermal process (Column 2, Lines 62-66).

3. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbart et al. (US Patent 5,996,499) in view of Okamura et al. (EP 0,985,528) as applied to claims 9 and 4 respectively, above, and further in view of Nakayama et al. (EPO 0950925).

Regarding claim 10, Gelbart et al. and Okamura et al. both teach the claimed method with the exception of positioning a plate bender system adjacent to an imaging system and punching the holes prior to exposing the holes. Nakayama et al. teaches an apparatus with a cylinder that holds and bends a plate (22) and uses an imaging device (26 and Figure 3) wherein the system also punches holes (Step 102 in figure 4) before proceeding to the exposure unit. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention taught by Gelbart et al. to include a bending system adjacent a imaging system and a punching step before exposing as taught by Nakayama et al., since Nakayama et al. teaches to locate the bender next to an imaging device in order to provide a clear and concise image on the plate and teaches punching before bending in

order to secure and ensure proper placement and/or loading of the plates in the clamping step.

Regarding claim 15, Gelbart et al. and Okamura et al. both teach the claimed invention with the exception of registering the plate on registration pins prior to bending the plate. Nakayama teaches registering a plate by using pins (Paragraph 0043) before bending takes place. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Gelbart et al. to include using pins for registering as taught by Nakayama et al., since Nakayama et al. teaches that it is advantageous to securely fix the plate onto a bending cylinder.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbart et al. (US Patent 5,996,499) in view of Okamura et al. (EP 0,985,528) and Nakayama et al. (EPO 0950925) as applied to claim 15 above, and further in view of Iron et al. (US Patent 5,488,906)

Gelbart et al., Okamura et al. and Nakayama all teach the claimed invention and methods with the exception of an electrical circuit comprising a plate and registration pin. Iron et al. teaches an electrical circuit with a plate and registration pin (Column 4, Lines 54-67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Gelbart et al. to include an electrical circuit as taught by Iron et al., since Iron et al. teaches that it is advantageous to detect when the plate is properly aligned.

Allowable Subject Matter

5. Claims 17-19 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 17, the prior art does not teach or render obvious a bender that comprises an encoder connected to monitor a bend angle and a controller configured to stop forming a bend in a printing plate when the encoder indicates that a desired bend angle has been achieved.

Response to Arguments

6. Applicant's arguments filed 8/3/05 have been fully considered but they are not persuasive.

Regarding applicant's remarks about Gelbert et al. in view of Okamura, the examiner notes that processless plates and developed plates would require bending. It would be obvious to look at all and any type of platemakers and bending devices. Processless plate-making is a new type of invention as disclosed by Gelbert and one of ordinary skill in the art would be aware of the older way of developing plates which included plate benders in the plate making device as taught by Okamura.

7. Regarding applicant's comments on pages 7 and 8, the examiner notes Gelbart was not relied upon for the teaching of a plate bender. Nakayama teaches a plate bender system and may not teach a processless plate, however the prior art was relied upon for the teaching of processless plates. Miller was relied up for teaching a plate bending machine for bending a plate at a sharp angle, not for teaching a processless plate. Gelbert et al. was relied upon for teaching a processless plate.

Art Unit: 2854

8. Regarding applicant's comments on page 9, Iron et al. was relied upon for teaching an electrical circuit with a plate and pin and was not meant to be relied upon for the teachings of exposure or bending of a plate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson-Samreth whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marissa L Ferguson-Samreth
Examiner
Art Unit 2854

MFS


JUDY NGUYEN
SUPERVISORY PATENT EXAMINER